

Message

From: Adam Finkel [adfinkel@umich.edu]
Sent: 3/19/2021 4:52:42 PM
To: Grifo, Francesca [Grifo.Francesca@epa.gov]
Subject: Re: interesting webinar
Attachments: Achieving Regulatory Excellence_Chapter 11_Finkel.pdf

glad I found you (haven't emailed you in a while)-- please feel free to reach out if I can be of any help to you (I have some very close friends currently awaiting AA confirmation etc). FYI, I still live in Princeton and work for UM remotely, so I'm able to get to DC when needed.

here's a book chapter-- I think it's written less drily than most-- about "regulatory excellence" that might be of interest.

better times ahead!

Adam

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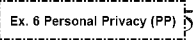
Webpages: <https://sph.umich.edu/faculty-profiles/finkel-adam.html> ; <https://sites.google.com/site/afinkelarticles/> ; <http://lullaby-cd.adamfinkel.com/>

On Fri, Mar 19, 2021 at 12:49 PM Grifo, Francesca <Grifo.Francesca@epa.gov> wrote:

Wow – thanks – really interesting and really timely as we are wrestling with this for reporting scientific integrity concerns of all kinds.

Thanks

Francesca

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From: Adam Finkel <adfinkel@umich.edu>
Sent: Friday, March 19, 2021 11:09 AM
To: Kathy Rest <KRest@ucsusa.org>; Grifo, Francesca <Grifo.Francesca@epa.gov>
Subject: interesting webinar

Dear Kathy and Francesca,

I'm not sure if you know Baruch Fischhoff, but he is one of a very few colleagues I regard as a genius-- here's a webinar occurring next Weds., and a related paper attached.

<http://aecardiffknowledgehub.wales/2021/02/12/research-integrity-how-can-we-support-and-protect-early-career-researchers-in-cases-of-scientific-misconduct/>

My comments back to him are just kibitzing at this point, but here they are in smaller type if interested... Please feel free to send the announcement around to others who might be interested, with my thanks!

Adam

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1) you say nothing (in the paper) about anti-retaliation measures. This is, of course, the elephant-in-the-room permeating all systems to encourage reporting of misconduct of all kinds, and it's very fraught because of (what I've never heard called this way) the "double pretext problem": managers can fire/harm subordinates for reporting by concocting excuses ("it's just a horrible coincidence that I fired him the day after he blew the whistle-- see!-- I have a note to myself from TWO days ago to fire him anyway"-- this is very reminiscent of what OSHA tried to do to me before lawyers intervened), but employees who know they are poor performers can try to "immunize" themselves against adverse action by concocting misconduct-- even if it never occurred, they can say that they reported in good faith, and therefore any non-promotion, etc for years later is "retaliation."

I don't know of any procedure other than "good government; good people" to help with this, but I think the paper needed some mention of anti-retaliation. There are laws (OSH Act; various Whistleblower Protection Statutes) that say apple-pie things about no retaliation, but of course they fail in the real world too often, in both directions.

2) FYI, the federal Office of Special Counsel has the right idea IMO, although they have been a miserable failure under both parties for decades-- they have two offices with a firewall between them, one where employees go to report the conduct itself (OSC can order the agency to investigate the underlying claim(s) of waste/fraud/abuse/safety/etc), and another where they can go to report retaliation. The former can be anonymized, while of course the latter can't be.

3) would you consider adding *lab safety* to the rubric of "misconduct"? I had a PhD student at UM who finished a dissertation on this last Aug (still looking for a post-doc or faculty job...)-- lab researchers are completely at sea as OSHA doesn't consider them employees, and there have been notorious cases of fatalities-- her best idea IMO is to encourage IRBs to care 1/2 as much about human safety as they do about mice/rats and the "harms" to subjects being asked questions by people like me and Branden Johnson. Even just adding "unsafe lab practices" to misconduct would be a shot in the arm (no pun-- I got my first Pfizer shot Tuesday and am achy but happy about it) to the lab-safety community.